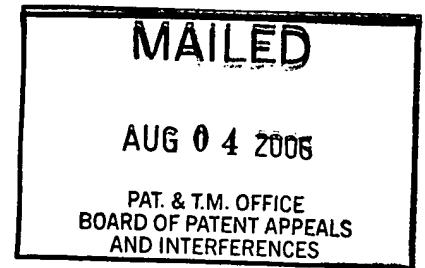


UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte GERALD W. FLY and BRIAN K. BRADY

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Application No. 10/080,754

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was electronically received at the Board of Patent Appeals and Interferences on August 1, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

The Information Disclosure Statements dated February 2, 2002; June 2, 2004; and June 3, 2004, were not considered by the Primary Examiner with respect to compliance with the criteria set forth in 37 CFR §§ 1.97 and 1.98. A written communication notifying appellant of the Primary Examiner's decision is required.

Accordingly, it is

**ORDERED** that the application is electronically returned to the Examiner 1) for consideration of the Information Disclosure Statements dated February 2, 2003; June 2, 2004; and June 3, 2004; 2) written communication to appellants of such consideration; and 3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

A handwritten signature in black ink, appearing to read 'D. Shaw', is written over a horizontal line.

Dale M. Shaw  
Deputy Chief Appeal Administrator  
(571) 272-9797

cc: HARNESS, DICKEY & PIERCE, P.L.C.  
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DMS/lbg